

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ASARCO LLC, a Delaware limited
liability company,

Plaintiff,

vs.

NORANDA MINING, INC., a Delaware
corporation,

Defendant.

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case No. 2:12 CV 527 TC

The court referred this case to Magistrate Judge Dustin Pead pursuant to 28 U.S.C. § 636(b)(1)(A). On July 20, 2016, Judge Pead entered his Report and Recommendation¹ (R&R) on Defendant Noranda Mining's (Noranda) Motion² to Review the Clerk of the Court's Taxation of Costs.

In its motion, Noranda asks the Court to consider an increase in the taxation amount from \$36,931.83 to \$51,816.43 so as to reflect inclusion of the following costs that the Clerk of the Court disallowed: (1) the 40% of copy and exemplification costs in the amount of \$11,198.35; and (2) \$3,686.25 in costs Noranda incurred in obtaining video recordings of depositions. The

¹ECF No. 169.

²ECF No. 166.

R&R contains a thorough analysis of the costs taxed in the case and recommends that Noranda's Motion to Review Clerk's Taxation of Costs be granted in part and denied in part. Specifically, the magistrate judge recommends denying Noranda's request for \$11,198.35, and granting Noranda's request for \$3,686.25 for video recordings of depositions to supplement the transcribed depositions, for a total award of \$40,618.08.

The parties were given fourteen (14) days after being served a copy of the report and recommendation to file objections to the R&R and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. No objections were received.

The court has carefully reviewed the R&R and the relevant materials in the file and finds the recommendation correct in all respects. Accordingly, the Report and Recommendation is adopted as the order of the court. The court GRANTS IN PART AND DENIES IN PART the Motion to Review the Clerk of the Court's Taxation of Costs and awards Noranda an additional \$3,686.25, for a TOTAL AWARD OF COSTS in the amount of \$40,618.08.

DATED this 9th day of August, 2016.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
U. S. District Court Judge